

AMENDED IN ASSEMBLY JULY 2, 1997
AMENDED IN ASSEMBLY APRIL 28, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 969

Introduced by Assembly Member Cardenas

February 27, 1997

An act to amend Section 130 of, and to repeal and add Chapter 7 (commencing with Section 6700) of Division 3 of, the Business and Professions Code, relating to professional engineers.

LEGISLATIVE COUNSEL'S DIGEST

AB 969, as amended, Cardenas. Professional engineers.

(1) The Professional Engineers Act provides for the registration of persons practicing engineering in this state, either in a public or private capacity, with the State Board of Registration for Professional Engineers and Land Surveyors, in accordance with certain requirements.

This bill would repeal and reenact this act and, among other things, would revise provisions relating to the practice of engineering, examination and testing of applicants, licensure and certification of engineers, renewal of licenses, organizational filings with the board by engineering entities, administrative discipline, fees, and the receipt and disposition of board revenue, as specified. The bill would require an applicant for a license to submit an application form containing certain statements made under penalty of perjury.

By expanding the definition of the crime of perjury, this bill would impose a state-mandated local program. The bill would also require a professional engineer, on behalf of a public agency, to inspect, or be in responsible charge of the inspection of, an infrastructure project. The imposition of this new requirement on local agencies would create a state-mandated local program.

The act imposes various civil and criminal penalties on individuals for failure to comply with certain requirements under the act. By revising these requirements, this bill would create new crimes and change the definition of existing crimes under the act, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 130 of the Business and
2 Professions Code is amended to read:
3 130. (a) Notwithstanding any other provision of law,
4 the term of office of any member of an agency designated
5 in subdivision (b) shall be for a term of four years expiring
6 on June 1.



(b) Subdivision (a) applies to the following boards or committees:

- (1) Medical Board of California.
- (2) California Board of Podiatric Medicine.
- (3) Physical Therapy Examining Committee.
- (4) Board of Registered Nursing.
- (5) Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
- (6) State Board of Optometry.
- (7) California State Board of Pharmacy.
- (8) Veterinary Medical Board.
- (9) California Board of Architectural Examiners.
- (10) California State Board of Landscape Architects.
- (11) State Board of Barbering and Cosmetology.
- (12) Contractors' State License Board.
- (13) State Board of Guide Dogs for the Blind.
- (14) State Board of Funeral Directors and Embalmers.
- (15) Board of Behavioral Science Examiners.
- (16) Structural Pest Control Board.
- (17) Cemetery Board.
- (18) Bureau of Electronic and Appliance Repair Advisory Board.
- (19) Court Reporters Board of California.
- (20) State Board of Registration for Geologists and Geophysicists.
- (21) State Athletic Commission.
- (22) Osteopathic Medical Board of California.
- (23) The Respiratory Care Board of California.
- (24) The Acupuncture Examining Committee.
- (25) The Board of Psychology.

SEC. 2. Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code is repealed.

SEC. 3. Chapter 7 (commencing with Section 6700) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 7. PROFESSIONAL ENGINEERS ACT

Article 1. General Provisions

6700. This chapter shall be known, and may be cited, as the Professional Engineers Act.

6700.2. (a) The Legislature finds and declares that the practice of engineering in this state shall be regulated pursuant to this chapter in order to promote the general welfare and to protect the life, health, and safety of the public.

(b) The Legislature further finds and declares that the granting of the right to perform the practice of engineering is a privilege.

6700.5. It is presumed that a person named on a certificate of licensure is a professional engineer if his or her license is not expired, suspended, or revoked.

6700.7. (a) A professional engineer who provides inspection services of a structure for its structural integrity, or of its nonstructural elements affecting life and safety, at the scene of, or arising from, a declared national, state, or local emergency caused by a disaster, is not liable in negligence for any personal injury, wrongful death, or property damage caused by the professional engineer's inspection if the structure is used for human habitation, or is owned by a public entity, and if the inspection was performed in accordance with all of the following conditions:

(1) As a volunteer.

(2) Without compensation, or expectation of compensation.

(3) At the request of a public official, public safety officer, or city or county building inspector acting in an official capacity.

(4) In good faith, even if negligently performed.

(b) The immunity provided by subdivision (a) applies only to an inspection that is made within 30 days of the disaster.

(c) Subdivision (a) does not provide immunity for gross negligence or willful misconduct.

(d) As used in subdivision (a):

(1) “Public safety officer” has the same meaning as defined in Section 3301 of the Government Code.

(2) “Public official” means a state or local officer.

6701. Any reference in any other law or regulation to a licensed or registered engineer, or to a licensed or registered civil engineer, electrical engineer, or mechanical engineer, shall be deemed to refer to a professional engineer, or to a professional engineer authorized to practice civil engineering, electrical engineering, or mechanical engineering, as the case may be.

6701.2. With respect to certificates of registration issued prior to January 1, ~~1998~~ 1999:

(a) If the certificate states that the person named on the certificate is registered as a professional engineer in a particular discipline of engineering, that person is a professional engineer authorized to practice that particular discipline of engineering.

(b) If the certificate states that the person named on the certificate is registered as a particular discipline engineer, such as a civil engineer, electrical engineer, or mechanical engineer, that person is a professional engineer authorized to practice the discipline of engineering that entitles the person to be registered as that particular discipline engineer.

6701.5. The reenactment of this chapter by the Legislature during the 1997–98 Regular Session shall have no effect on any order, rule, or regulation, of the board in effect prior to the date of reenactment, unless the order, rule, or regulation is inconsistent with this chapter, in which case, this chapter shall take precedence over any inconsistent order, rule, or regulation.

6705. Unless the context requires otherwise, the definitions set forth in this article govern the construction of this chapter.

6705.3. “Authority” means the licensure of a professional engineer authorized to practice civil engineering as a geotechnical engineer or structural engineer.

1 6705.4. “Authorized in” or “authorized to practice”
2 means the authorization to practice a discipline of
3 engineering as specified *in the individual file with the*
4 *board, and* on the certificate of licensure, of a professional
5 engineer.

6 6705.6. “Board” means the State Board for
7 Professional Engineers and Land Surveyors.

8 6706. “Certificate” means a certificate of licensure or
9 a certificate of authority that is issued to a professional
10 engineer pursuant to this chapter.

11 6706.3. “Certificate of authority” means the
12 certificate issued by the board to represent the licensure
13 of the person named on the certificate as a geotechnical
14 engineer or structural engineer.

15 6706.6. “Certificate of licensure” means the
16 certificate issued by the board to represent the licensure
17 of the person named on the certificate as a professional
18 engineer, including a certificate of registration issued
19 prior to January 1, ~~1998~~ 1999.

20 6706.9. (a) “Civil engineering” means the following
21 studies or activities in connection with civil engineering
22 works:

23 (1) The economics of, the use and design of, materials
24 of construction and the determination of their physical
25 qualities.

26 (2) The supervision of the construction of engineering
27 structures.

28 (3) The investigation of the laws, phenomena, and
29 forces of nature.

30 (4) Appraisals or valuations.

31 (5) The preparation or submission of designs, plans,
32 specifications, and engineering reports.

33 (6) Coordination of the work of professional,
34 technical, or special consultants.

35 (7) Creation, preparation, or modification of
36 electronic or computerized data in the performance of
37 the studies or activities described in paragraphs (1) to
38 (6), inclusive.

39 (b) “Civil engineering” also includes city and regional
40 planning insofar as any of the studies or activities

1 specified in subdivision (a) are concerned with city and
2 regional planning.

3 6707. “Civil engineering works” means fixed works
4 for irrigation, drainage, waterpower, water supply, flood
5 control, inland waterways, harbors, municipal
6 improvements, railroads, highways, tunnels, airports and
7 airways, purification of water, sewerage, refuse disposal,
8 foundations, grading, framed and homogeneous
9 structures, buildings, or bridges.

10 6707.2. “Electrical engineering” means the discipline
11 of engineering that includes the studies or activities
12 relating to the generation, transmission, and utilization of
13 electrical energy, including the design of electrical,
14 electronic, and magnetic circuits and the technical
15 control of their operation and of the design of electrical
16 gear. Electrical engineering also includes the research,
17 organization, and economic aspects of this discipline.

18 6707.3. (a) “Engineer-in-training” means a person
19 who holds an engineer-in-training certificate issued
20 pursuant to this chapter or issued by another state.

21 (b) “Engineer-in-training” also includes a person who
22 holds an engineer intern certificate issued by another
23 state.

24 6707.6. “Engineering documents” means, but is not
25 limited to, plans, specifications, calculations, estimates,
26 plats, reports, and related documents.

27 6708. (a) “Engineering entity” means all of the
28 following:

29 (1) A firm.

30 (2) A partnership.

31 (3) An association.

32 (4) A corporation.

33 (5) A professional engineer who individually offers to
34 perform, or is performing, the practice of engineering in
35 either of the following cases:

36 (A) Under a name that is not his or her personal name
37 pursuant to his or her individual file with the board.

38 (B) Under his or her personal name pursuant to his or
39 her ~~board~~ individual file with the board, but employing
40 one or more professional engineers in responsible charge.

(b) For purposes of paragraph (5) of subdivision (a), neither of the following shall be considered the nonuse of the personal name of a professional engineer pursuant to his or her individual file with the board:

(1) The use of only the last name, or the first and last names, of the professional engineer.

(2) The nonuse of a middle initial or middle name, or the use of a middle initial in lieu of a middle name, of the professional engineer.

6708.3. “Engineering surveying” means all of the following:

(a) Locating, relocating, establishing, reestablishing, or retracing the alignment or elevation for civil engineering works.

(b) Determining the configuration or contour of the surface of the earth, or the position of fixed objects thereon or related thereto, by means of measuring lines and angles and by applying the principles of trigonometry or photogrammetry.

(c) Creating, preparing, or modifying electronic or computerized data in the performance of the activities specified in subdivisions (a) and (b).

6708.6. “Executive officer” means the executive officer of the board.

6709. “Fund” means the Professional Engineers and Land Surveyors Fund.

6709.3. “Geotechnical engineering” means the investigation and engineering evaluation of (a) earth materials, including, but not limited to, soil, rock, groundwater, and manmade material, and (b) the interaction of earth materials with earth retention systems, structural foundations, and other civil engineering works, by the application of the principles of soil mechanics and earth sciences, the application of which requires a knowledge of engineering laws, formulas, construction techniques, and performance evaluation of civil engineering works influenced by earth materials.

6709.6. “Infrastructure” means the facilities and systems for the following purposes that support the

1 functioning and development of the community,
2 including, but not limited to, communication, flood
3 control, public utilities, transportation, waste treatment,
4 disposal, and storage, and water treatment, distribution,
5 and storage.

6 6709.8. *“License” means the authorization granted by*
7 *the board to a person to be any of the following:*

8 (a) *A professional engineer.*

9 (b) *A geotechnical engineer or a structural engineer.*

10 (c) *A consulting engineer pursuant to Section 6731.3.*

11 6710. *“Licensee” means a person who holds a license*
12 *even if the license is expired, suspended, or revoked.*

13 6710.3. *“Mechanical engineering” means the*
14 *discipline of engineering that deals with engineering*
15 *problems relating to generation, transmission, and*
16 *utilization of energy in the thermal or mechanical form*
17 *and with engineering problems relating to the*
18 *production of tools, machinery, and their products and to*
19 *heating, ventilation, refrigeration, and plumbing.*
20 *Mechanical engineering also includes the research,*
21 *design, production, operation, organization, and*
22 *economic aspects of this discipline.*

23 ~~6710.—~~

24 6710.6. *“Pocket certificate” means a wallet-sized*
25 *certificate issued to a licensee showing all of the following*
26 *information:*

27 (a) *Name of the licensee.*

28 (b) *His or her address.*

29 (c) *His or her license number.*

30 (d) *The expiration date of the license.*

31 (e) *His or her title for (1) the discipline of engineering*
32 *in which he or she is authorized to practice, or (2) the*
33 *authority, under the license number.*

34 ~~6710.3.—~~

35 6711. *“Practice of engineering” means both of the*
36 *following with respect to the disciplines of engineering in*
37 *which the board, pursuant to —Section—6720.7 Sections*
38 *6720.7 and 6720.8, is currently examining applicants for*
39 *authorization to practice:*

1 (a) Any engineering service, including, but not
2 limited to, consultation, designing and planning, research
3 and development, investigation, testing, and evaluation,
4 construction and production, operation and organization,
5 and economic analysis, that requires engineering
6 education, training, and experience in order to be able to
7 apply mathematical, scientific, and engineering
8 principles with commensurate judgment to competently
9 perform that service with respect to, but not limited to,
10 facilities, systems, processes, materials, and products.

11 (b) The coordination of any of the services specified in
12 subdivision (a).

13 ~~6710.6.—~~

14 6711.3. “Professional engineer” means a person who
15 holds a license and a certificate of licensure pursuant to
16 this chapter that is not expired, suspended, or revoked.

17 ~~6711. “License” means the authorization granted by~~
18 ~~the board to a person to be any of the following:~~

19 ~~(a) A professional engineer.~~

20 ~~(b) A geotechnical engineer or a structural engineer.~~

21 ~~(c) A consulting engineer pursuant to Section 6731.3.~~

22 ~~6711.3. “Licensee” means a person who holds a~~
23 ~~license even if the license is expired, suspended, or~~
24 ~~revoked.~~

25 6711.6. (a) “Responsible charge” means the
26 independent control and direction, by the use of
27 initiative, professional skill, and independent judgment,
28 in the practice of engineering.

29 (b) “Responsible charge” does not refer to the
30 concept of financial liability.

31 6712. “Seal” means stamp also.

32 6712.3. (a) “Supervision of construction” means the
33 periodic observation of materials and completed work to
34 determine general compliance with plans, specifications,
35 and design and planning concepts with respect to civil
36 engineering works.

37 (b) “Supervision of construction” does not include
38 responsibility for the superintendence of construction
39 processes, methods, and means, site conditions,
40 operations, equipment, personnel, or the maintenance of

1 a safe place to work or any safety in, on, or about the site
2 of construction.

3 (c) For purposes of subdivision (a), “periodic
4 observation” means visits by a professional engineer, or
5 his or her subordinate, to the site of construction.

6 6712.6. “Subordinate” means a person who assists,
7 without assuming responsible charge, a professional
8 engineer in the practice of engineering.

9
10 Article 2. Board

11
12 6715. (a) The State Board of Registration for
13 Professional Engineers and Land Surveyors is continued
14 in existence as the State Board for Professional Engineers
15 and Land Surveyors in the Department of Consumer
16 Affairs.

17 (b) Any reference in any law or regulation to the State
18 Board of Registration for Professional Engineers and
19 Land Surveyors shall be deemed to refer to the State
20 Board for Professional Engineers and Land Surveyors.

21 (c) This section shall become inoperative on July 1,
22 1998, and, as of January 1, 1999, is repealed, unless a later
23 enacted statute, ~~which becomes effective~~ *that becomes*
24 *operative* on or before, January 1, 1999, deletes or extends
25 the dates on which it becomes inoperative and is
26 repealed.

27 6715.2. The board consists of 13 members as follows:

28 (a) Five professional engineers.

29 (b) One land surveyor licensed pursuant to the
30 Professional Land Surveyors’ Act (Chapter 15
31 (commencing with Section 8700)).

32 (c) Seven public members.

33 6715.5. The board shall be appointed as follows:

34 (a) The Governor shall appoint the following
35 members:

36 (1) Five professional engineers.

37 (2) One licensed land surveyor.

38 (3) Five public members.

39 (b) The Senate Committee on Rules shall appoint one
40 public member.

1 (c) The Speaker of the Assembly shall appoint one
2 public member.

3 6715.7. A member shall meet all of the following
4 requirements:

5 (a) Be a citizen of the United States.

6 (b) Be at least 30 years of age.

7 (c) Be a resident of this state for at least five years
8 immediately prior to appointment.

9 6716. A person who is a professional engineer, and a
10 land surveyor licensed pursuant to the Professional Land
11 Surveyors' Act (Chapter 15 (commencing with Section
12 8700)), may fill only one of the appointments specified in
13 subdivision (a) of Section 6715.2 or the appointment
14 specified in subdivision (b) of that section.

15 6716.2. (a) Of the five professional engineers, one
16 professional engineer shall be authorized to practice each
17 of the following disciplines of engineering:

18 (1) Civil engineering.

19 (2) Electrical engineering.

20 (3) Mechanical engineering.

21 (4) Civil engineering and is licensed as a structural
22 engineer.

23 (5) Any other discipline of engineering.

24 (b) In the case of a professional engineer who is
25 authorized to practice two or more disciplines of
26 engineering or is licensed as a structural engineer, the
27 professional engineer may fill only one of the above
28 appointments.

29 6716.5. (a) A professional engineer, or the land
30 surveyor licensed pursuant to the Professional Land
31 Surveyors' Act (Chapter 15 (commencing with Section
32 8700)), shall have not less than 12 years of professional
33 experience and be of good standing in the profession.

34 (b) For purposes of subdivision (a), "professional
35 experience" means experience in the practice of
36 engineering or land surveying, as the case may be,
37 acquired after being licensed or registered as a
38 professional engineer or licensed as a land surveyor in this
39 state or any other state.

(c) With respect to the 12 years of professional experience required pursuant to subdivision (a), not less than six years of that experience shall have been acquired in this state immediately preceding the appointment while being licensed as a professional engineer or as a land surveyor in this state.

6716.7. A public member shall not be, or have been, either of the following:

(a) Licensed or registered as a professional engineer in this state or any other state.

(b) Licensed as a land surveyor in this state or any other state.

6717. (a) Except as provided in subdivision (b), the term of appointment is four years, expiring on June 30 of the fourth year following the year in which the previous term expired.

(b) The term of appointment to fill a vacancy is for the remainder of the unexpired term, with the appointment to be made by the appointing power for that vacancy.

6717.2. (a) Except as provided in Section 105.5, a member shall not serve more than two consecutive four-year terms.

(b) For purposes of subdivision (a), serving three years or more of a term shall be deemed service for a four-year term.

6717.5. The members serving on December 31, ~~1997~~ 1998, shall continue to serve until the June 30 following the expiration of the members' present terms pursuant to former Section 6712, as enacted by Section 3.5 of Chapter 732 of the Statutes of 1985.

6717.7. The Governor may remove any member for misconduct, incompetence, or neglect of duty.

6718. Each member shall receive the per diem and expenses as provided in Section 103.

6718.2. The board shall hold not less than four regular meetings annually. The board shall hold special meetings pursuant to its rules and regulations.

6718.5. A majority of the board, at a board meeting, constitutes a quorum.

1 6718.7. The vote required to authorize the board to
2 take any action is a majority of the members present at a
3 board meeting.

4 6719. The board shall adopt regulations pursuant to
5 the rule making provisions of the Administrative
6 Procedure Act (Chapter 3.5 (commencing with Section
7 11340) of Part 1 of Division 3 of Title 2 of the Government
8 Code) to carry out the powers granted to, and the duties
9 imposed upon, the board by this chapter and any other
10 provision of law.

11 6719.2. (a) The board shall appoint an executive
12 officer who shall serve at the pleasure of the board.

13 (b) The executive officer shall receive a salary to be
14 fixed and determined by the board with the approval of
15 the Department of Personnel Administration.

16 (c) This section shall become inoperative on July 1,
17 1998, and, as of January 1, 1999, is repealed, unless a later
18 enacted statute, ~~which becomes effective~~ *that becomes*
19 *operative* on or before January 1, 1999, deletes or extends
20 the dates on which it becomes inoperative and is
21 repealed.

22 6719.5. The executive officer shall administer the
23 affairs of the board as directed by the board and shall
24 direct the staff of the board.

25 6719.7. (a) The board may expressly delegate to the
26 executive officer any of its duties unless it is required
27 specifically by law to perform that duty.

28 (b) The executive officer may delegate to the
29 members of the staff of the board any duty delegated to
30 him or her unless the executive officer is required
31 specifically by the board to perform the delegated duty
32 personally.

33 6720. The executive office shall keep a record of both
34 of the following:

35 (a) Applications submitted to the board.

36 (b) Action taken by the board on the applications.

37 6720.2. (a) The executive officer shall do all of the
38 following:

39 (1) Prepare each even-numbered year a roster
40 showing the names and addresses of all professional

1 engineers, including geotechnical and structural
2 engineers, and the names and addresses of those
3 engineers with an expired license.

4 (2) File a copy of the roster with the Secretary of State.

5 (3) Make copies of the roster available at a price fixed
6 by the board.

7 (b) The roster is a public record.

8 6720.5. Any member of the board or the executive
9 officer may administer oaths and may take testimony and
10 evidence regarding any matter within the jurisdiction of
11 the board.

12 6720.7. Civil engineering, electrical engineering, and
13 mechanical engineering are disciplines of engineering in
14 which applicants may apply for authorization to practice,
15 and an applicant shall pass the appropriate principles and
16 practice examination in order to be so authorized.

17 6720.8. With respect to the disciplines of agricultural,
18 chemical, control system, corrosion, fire protection,
19 industrial, manufacturing, metallurgical, nuclear,
20 petroleum, quality, safety, and traffic engineering, the
21 board shall do both of the following:

22 (a) Continue, until directed otherwise by statute, to
23 give the appropriate principles and practice
24 examinations in order for applicants to be authorized to
25 hold the appropriate title for any one of those disciplines
26 pursuant to paragraph (7) of subdivision (a) of Section
27 6730.3.

28 (b) Submit, not later than ~~October 1, 1998~~ *February 1,*
29 *1999*, its comments and recommendations to the Joint
30 Legislative Sunset Review Committee, the Senate
31 Committee on Business and Professions, and the
32 Assembly Committee on Consumer Protection,
33 Governmental Efficiency and Economic Development
34 on the appropriate level of regulation for each of those
35 disciplines and for any other discipline of engineering
36 that the board deems appropriate.

37 6721. In preparing its comments and
38 recommendation pursuant to subdivision (b) of Section
39 6720.8, the board shall take into consideration, but not be
40 limited to, all of the following:

1 (a) The number of applicants who annually have
2 taken, or the estimated number of applicants who
3 annually would take, the examination for that discipline
4 of engineering.

5 (b) Whether there is a national examination available
6 for that discipline of engineering.

7 (c) The number of postsecondary educational
8 institutions that offer a curriculum approved by the board
9 in that discipline of engineering.

10 (d) Whether the purpose of this chapter would be
11 enhanced by examination in that discipline of
12 engineering.

13 6721.5. The board, by regulation, may adopt a code of
14 professional practice to maintain a high standard of
15 integrity in the engineering profession, taking into
16 consideration the codes of professional practice adopted
17 by national engineering societies.

18 6721.7. The board shall adopt an official seal and shall
19 affix it on all of the following:

20 (a) Engineer-in-training certificates.

21 (b) Certificates of licensure.

22 (c) Certificates of authority.

23 (d) Pocket certificates.

24 6722. The board may appoint technical advisory
25 committees consisting of not more than five members,
26 who shall serve at the pleasure of the board, to advise and
27 assist the board with respect to any of the following:

28 (a) Review and verification of applications submitted
29 to the board.

30 (b) Evaluation and investigation of alleged violations
31 of this chapter and of any provision of Division 1
32 (commencing with Section 100) and Division 1.5
33 (commencing with Section 475) under which the board
34 may act.

35 (c) Adoption of *rules and* regulations, policies, and
36 procedures of the board.

37 (d) Any other matter assigned by the board.

38 6722.2. A member of a technical advisory committee
39 shall be a professional engineer with experience in the

1 subject matter that is within the jurisdiction of the
2 committee.

3 6722.5. The board may appoint special committees
4 consisting of board members, professional engineers, or
5 other persons, or any combination thereof, to investigate
6 matters regarding the practice or regulation of the
7 practice of engineering and submit reports on their
8 findings and recommendations to the board.

9 6722.7. A person who is not a board member, and is
10 appointed to serve on a committee pursuant to Section
11 6722 or 6722.5, shall serve without compensation, but shall
12 receive the per diem and expenses as provided in Section
13 103.

14 6723. A person who is not a board member, and is
15 appointed to serve on a committee pursuant to Section
16 6722 or 6722.5, has the same immunity as a public
17 employee pursuant to Article 3 (commencing with
18 Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title
19 1 of the Government Code.

20
21 Article 3. Practice
22

23 6725. Except as otherwise provided in this chapter,
24 only a person who is a professional engineer authorized
25 to practice civil, electrical, or mechanical engineering
26 shall perform, or offer to perform, the practice of civil,
27 electrical, or mechanical engineering, respectively,
28 regardless of whether that practice is in the private or
29 public sector.

30 6725.6. A person who is not a professional engineer
31 and was in charge of engineering for an agency or
32 department of the state, or of a city or county, on January
33 1, 1985, and is serving continuously thereafter in that
34 capacity, is not required to be licensed pursuant to this
35 chapter.

36 6726. Subject to Sections 6726.3 and 6729.3, a
37 professional engineer authorized to practice civil,
38 electrical, or mechanical engineering may provide
39 engineering services in connection with, or

1 supplementary to, any discipline of engineering in which
2 the professional engineer is authorized to practice.

3 6726.3. (a) A professional engineer shall perform the
4 practice of engineering only in the area of competence of
5 the professional engineer.

6 (b) The board shall determine the competence of a
7 professional engineer on the basis of the education,
8 examination, training, and experience of the professional
9 engineer to perform the engineering services provided.

10 6726.6. (a) For each discipline of engineering that
11 the board offers a principles and practice examination,
12 the board, by regulation, shall define that discipline,
13 taking into consideration the duties and tasks identified
14 in the test plan adopted for the most recent examination
15 for that discipline and the duties and tasks performed by
16 professional engineers authorized to practice that
17 discipline.

18 (b) The definition of a discipline of engineering
19 adopted by the board pursuant to subdivision (a) further
20 defines the term “practice of engineering,” as defined in
21 Section ~~6710.3~~ 6711.

22 6727. (a) Notwithstanding Section 6725.6, a
23 professional engineer for a public agency shall check, or
24 be in responsible charge of checking, the engineering
25 documents that are required to be prepared by, or under
26 the responsible charge of, a professional engineer for a
27 project if those engineering documents are required to be
28 submitted to the public agency for review and approval
29 as to ~~the documents~~^{their} code compliance.

30 (b) Subdivision (a) does not apply to a project whose
31 engineering documents are not required to be prepared
32 by, or to be prepared under, the responsible charge of a
33 professional engineer.

34 (c) Subdivision (a) does not apply to engineering
35 documents prepared for a project of that approving
36 public agency.

37 6727.3. A professional engineer, on behalf of a public
38 agency, shall perform the inspection, or be in responsible
39 charge of the inspection, of the construction of an
40 infrastructure project.

1 6727.6. (a) A pre-engineered component to be used
2 in a civil engineering work is an element, system, or
3 facility that is not designed by a person licensed as a
4 professional engineer in this state, but is designed by a
5 person licensed or registered as a professional engineer in
6 the state where the component was manufactured.

7 (b) The pre-engineered component may be used in
8 this state only if the plans for the component and the
9 other related engineering documents are first reviewed,
10 and signed and sealed, by a person licensed as a
11 professional engineer in this state.

12 6728. (a) If a remodeling project, including, but not
13 limited to, the remodeling of a store front, interior
14 alterations, or the installation of fixtures, furniture,
15 cabinets, or equipment, involves a structural addition or
16 structural alteration to a building, a professional engineer
17 authorized in civil engineering shall determine whether
18 the addition or alteration affects the structural integrity
19 of the building or any of its structural elements.

20 (b) If the preliminary investigation indicates that the
21 structural addition or structural alteration affects the
22 structural integrity of the building, or any ~~or~~ of its
23 structural elements, a professional engineer authorized
24 in civil engineering shall prepare the necessary
25 engineering documents for the structural portion of the
26 addition or alteration.

27 6728.3. A professional engineer may practice land
28 surveying, as defined in Section 8726, if the professional
29 engineer was granted registration as a civil engineer prior
30 to January 1, 1982.

31 6728.6. In addition to the professional engineers
32 specified in Section 6728.3, a professional engineer
33 authorized to practice civil engineering after January 1,
34 1982, may perform engineering surveying.

35 6729. With respect to a professional engineer who is
36 authorized to practice civil engineering, but is not
37 authorized to practice land surveying:

38 (a) The professional engineer may offer to provide
39 land surveying services incidental to his or her civil
40 engineering practice if those services are performed by,

1 or under the direction of, a land surveyor licensed
2 pursuant to the Professional Land Surveyors' Act
3 (Chapter 15 (commencing with Section 8700)) or a
4 professional engineer who is authorized to practice land
5 surveying.

6 (b) The professional engineer may manage or
7 conduct, as a manager, proprietor, or agent, a civil
8 engineering practice that offers to practice or provide
9 incidental land surveying services as specified in
10 subdivision (a).

11 6729.3. (a) A professional engineer may not perform,
12 or offer to perform, geotechnical engineering or
13 structural engineering unless the professional engineer is
14 authorized to practice civil engineering.

15 (b) For purposes of this section, "structural
16 engineering" means—— *the practice of engineering*
17 *with respect to a system of elements, such as beams,*
18 *columns, slabs, and walls, that (a) resists loads resulting*
19 *from its usage and from natural forces such as*
20 *earthquakes, waves, and wind, and (b) is sited on a fixed*
21 *location on terra firma.*

22 6729.6. A professional engineer may provide, or offer
23 to provide, construction project management services,
24 including, but not limited to, construction project design
25 review and evaluation, construction mobilization and
26 supervision, bid evaluation, project scheduling,
27 cost-benefit analysis, claims review and negotiation, and
28 general management and administration of a
29 construction project.

30 6730. If a professional engineer provides construction
31 project management services pursuant to Section 6729.6,
32 the professional engineer is responsible for only the
33 services the professional engineer contracted to provide.

34 6730.3. (a) No person, other than a professional
35 engineer, may use any of the following titles:

- 36 (1) Consulting engineer.
37 (2) Licensed engineer.
38 (3) Professional engineer.
39 (4) Registered engineer.
40 (5) Project engineer.

1 (6) Resident engineer.

2 (7) (A) The appropriate title for any discipline of
3 engineering in which a professional engineer may be
4 authorized to practice by the board.

5 (B) The appropriate title is the name of that discipline
6 of engineering with the dropping of “ing” from
7 engineering.

8 (b) A professional engineer may not use any title
9 pursuant to paragraph (7) of subdivision (a) unless the
10 professional engineer is authorized to practice the
11 appropriate discipline of engineering.

12 (c) Except as provided in this section, no person shall
13 use any abbreviation, word, or phrase, or any
14 combination thereof, to state or imply that the person is
15 authorized to use any of the titles specified in, or specified
16 pursuant to, subdivision (a).

17 6730.6. (a) Notwithstanding Section 6730.3, the title
18 that a professional engineer may use when authorized to
19 practice a particular discipline of engineering, as
20 determined pursuant to paragraph (7) of subdivision (a)
21 of that section, except for the title of “civil engineer,” may
22 be used by any person who is not required to be licensed
23 pursuant to this chapter only when providing
24 engineering services to exempt industries as specified in
25 Section 6737.3 or when soliciting to provide those
26 engineering services.

27 (b) If the person uses the title in any document to
28 solicit to provide, or in any engineering document
29 prepared in performing, engineering services as
30 specified in Section 6737.3, the document shall not state
31 or imply, in any manner, either of the following:

32 (1) The person is a professional engineer.

33 (2) The person is otherwise authorized to use the title
34 except in the limited circumstances authorized by this
35 section.

36 (c) The authorization of subdivision (a) with respect
37 to the use of titles does not apply to those providing
38 engineering services for the preparation of engineering
39 documents as specified in Section 6737.6.

1 6731. (a) No person shall use the title of “structural
2 engineer,” or “soil engineer,” “soils engineer,” or
3 “geotechnical engineer,” unless that person holds a
4 license pursuant to Section 6754 or 6753.2, respectively.

5 (b) Except as provided in subdivision (a), no person
6 shall use any abbreviation, word, or phrase, or any
7 combination thereof, to state or imply that the person is
8 authorized to use any of the titles specified in subdivision
9 (a).

10 6731.3. (a) The board has issued certificates
11 authorizing the use of the title “consulting engineer” to
12 applicants who met the requirements of one of the
13 following statutory provisions:

14 (1) Chapter 933 of the Statutes of 1963, Chapter 1455
15 of the Statutes of 1965, or Chapter 1049 of the Statutes of
16 1968.

17 (2) Former Section 6732.2, as enacted by Chapter 888
18 of the Statutes of 1970.

19 (b) Notwithstanding Section 6730.3, a person who was
20 issued a certificate pursuant to a statutory provision
21 specified in subdivision (a) may continue to use the title
22 “consulting engineer.”

23 (c) A certificate issued to a person pursuant to
24 paragraph (2) of subdivision (a) is valid only as long as the
25 photogrammetric surveyor certificate issued to the
26 person pursuant to the Professional Land Surveyors’ Act
27 (Chapter 15 (commencing with Section 8700)) is valid.

28 (d) A person who was issued a certificate pursuant to
29 a statutory provision specified in subdivision (a) shall
30 return the certificate to the board within 30 days after the
31 person no longer remains in practice.

32 (e) Article 5 (commencing with Section 6765), Article
33 6 (commencing with Section 6770), Article 7
34 (commencing with Section 6780), Article 8
35 (commencing with Section 6785), and Article 9
36 (commencing with Section 6795) apply to all persons
37 authorized to use the title of “consulting engineer,” and
38 their certificates issued, pursuant to a statutory provision
39 specified in subdivision (a).

1 6731.6. The use of the word “certify” or
2 “certification” by a professional engineer in the practice
3 of engineering or land surveying, as defined in Section
4 8726, is an expression of professional opinion regarding
5 those facts or findings that are the subject of the
6 certification and is not a warranty or guarantee, either
7 express or implied.

8 6732. No person, other than the professional
9 engineer, may use any seal of the professional engineer
10 authorized pursuant to this chapter on any engineering
11 document.

12 6732.3. If a license of a licensee is expired, suspended,
13 or revoked, the licensee may not use the seal for that
14 license unless the license is renewed or reinstated.

15 6732.6. (a) A professional engineer shall sign and
16 seal, and indicate the expiration date of his or her license
17 on, the engineering documents that the professional
18 engineer prepared, or had responsible charge of
19 preparing, to indicate his or her responsibility for them.

20 (b) If the engineering documents have multiple pages
21 or sheets, the signature and seal, with the expiration date
22 of the license, are required to appear only on the originals
23 of the plans and plats and on the original title sheet of the
24 other types of engineering documents.

25 6733. Notwithstanding Section 6732.6, a professional
26 engineer who signs or seals engineering documents is not
27 responsible for any damage caused by any subsequent
28 changes to, or uses of, the engineering documents,
29 including changes or uses made by a state or local agency,
30 if those changes or uses are not authorized or approved
31 by the professional engineer.

32 6733.3. A professional engineer who signs or seals
33 engineering documents does not have a legal duty or
34 responsibility for supervision of construction of the
35 project that is the subject matter of those engineering
36 documents, unless the professional engineer has entered
37 into a contract, and is allowed, to perform that
38 supervision.

39 6733.6. (a) If a professional engineer is required to
40 provide as built plans or record plans for an improvement

1 or grading project and the plans show changes during the
2 construction process, all of the following apply:

3 (1) If the professional engineer provided supervision
4 of construction of the project, the plans shall be based
5 upon the field observations of the professional engineer,
6 or of his or her subordinates, and the information
7 received from the project owner, project contractors, and
8 public agencies.

9 (2) If the professional engineer did not provide
10 supervision of construction of the project, the plans shall
11 be based on the information received from the project
12 owner, project contractors, and public agencies, but need
13 not be based upon a field verification or investigation of
14 the project, unless the professional engineer is engaged
15 to provide field verification services.

16 (3) The professional engineer is not required to
17 include a certificate or statement on as built plans or
18 record plans on a basis that is different from that specified
19 in paragraph (1) or (2).

20 (b) It is the intent of this section to encourage the
21 practice of having professional engineers perform the
22 supervision of construction, as defined in Section 6712.3.

23 6734. With respect to the following reference in any
24 local agency ordinance, building code, regulation, or
25 policy, this chapter does not require:

26 (a) “Soil engineer,” “soils engineer,” or “geotechnical
27 engineer” to mean a person licensed as a geotechnical
28 engineer pursuant to Section 6753.2.

29 (b) “Soil engineering,” “soils engineering,” or
30 “geotechnical engineering” to mean activities required
31 to be performed by a person licensed as a geotechnical
32 engineer pursuant to Section 6753.2.

33 6734.3. A subordinate is not required to be a
34 professional engineer.

35 6734.6. Federal officers and employees, in the scope
36 of their service with the federal government, are not
37 required to be licensed pursuant to this chapter.

38 6735. A person who holds a certificate issued pursuant
39 to the Architects Practice Act (Chapter 3 (commencing

1 with Section 5500)) is not required to be licensed
2 pursuant to this chapter in order to practice architecture.

3 6735.3. A person who holds a license issued pursuant
4 to the Professional Land Surveyors' Act (Chapter 15
5 (commencing with Section 8700)) is not required to be
6 licensed pursuant to this chapter in order to practice land
7 surveying, as defined in Section 8726.

8 6735.6. A contractor who holds a license issued
9 pursuant to the Contractors' State License Law (Chapter
10 9 (commencing with Section 7000)) is not required to be
11 licensed pursuant to this chapter in order to offer to
12 perform, or to perform, electrical or mechanical
13 engineering services if the services are performed on
14 behalf of the contractor by, or under the responsible
15 charge of, a professional engineer authorized to practice
16 electrical engineering or mechanical engineering, as the
17 case may be.

18 6736. A contractor who holds a license in the
19 appropriate classification issued pursuant to the
20 Contractors' State License Law (Chapter 9
21 (commencing with Section 7000)) is not required to be
22 licensed pursuant to this chapter when doing either or
23 both of the following in connection with electrical or
24 mechanical systems or facilities the contractor has
25 contracted to construct:

26 (a) Design those systems or facilities in accordance
27 with applicable construction codes and standards.

28 (b) Prepare electrical or mechanical shop or field
29 drawings for those systems or facilities.

30 6736.3. A person is not required to be licensed
31 pursuant to this chapter upon meeting all of the following
32 requirements:

33 (a) ~~Is~~ *He or she* is a nonresident of this state.

34 (b) ~~Is~~ *He or she* is authorized by another state to
35 perform the practice of engineering.

36 (c) ~~Does~~ *He or she* does not maintain a place of
37 business in this state.

38 (d) ~~Offers~~ *He or she* offers to perform the practice of
39 engineering outside of this state, and the engineering

1 services contracted for ~~is~~ *are* not for facilities located, or
2 to be located, in this state.

3 6736.6. Neither of the following is required to be
4 licensed pursuant to this chapter in order to make a
5 financial appraisal and valuation of real estate:

6 (a) A person holding a license issued pursuant to the
7 Real Estate Law (Part 1 (commencing with Section
8 10000) of Division 4) while acting in the capacity of a real
9 estate salesperson or a real estate broker.

10 (b) A person holding a certificate or license issued
11 pursuant to the Real Estate Appraisers' Licensing and
12 Certification Law (Part 3 (commencing with Section
13 11300) of Division 4) as a state certified real estate
14 appraiser or a state licensed real estate appraiser,
15 respectively.

16 6737. (a) A person is not required to be licensed
17 pursuant to this chapter in order to prepare engineering
18 documents for any of the following woodframe buildings:

19 (1) Single-family dwellings that are not more than two
20 stories and basement in height.

21 (2) (A) Multiple dwellings of not than four dwelling
22 units that are not more than two stories and basement in
23 height.

24 (B) Subparagraph (A) does not authorize a person
25 who does not hold a certificate issued pursuant to the
26 Architects Practice Act (Chapter 3 (commencing with
27 Section 5500)), or who is not a professional engineer
28 authorized to practice civil engineering, to design
29 multiple clusters of up to four dwelling units each to form
30 apartment or condominium complexes where the total
31 exceeds four units on any lawfully divided parcel.

32 (3) Agricultural and ranch buildings, unless the
33 building official having jurisdiction deems that undue risk
34 to the public health, safety, or welfare is involved.

35 (4) Garages, or other structures appurtenant to
36 buildings described in paragraphs (1), (2), and (3), that
37 are not more than two stories and basement in height.

38 (b) If any portion of a building exempted from this
39 chapter by subdivision (a) is not in substantial
40 compliance with the conventional framing requirements

1 for woodframe construction specified in Title 24 of the
2 California Code of Regulations, or tables of limitation for
3 woodframe construction in the applicable building code
4 adopted by the local jurisdiction or the state, the building
5 official having jurisdiction shall require that a person who
6 holds a certificate issued pursuant to the Architects
7 Practice Act, or a professional engineer authorized to
8 practice civil engineering, to prepare, or be in
9 responsible charge of the preparation of, the engineering
10 documents for that portion of the building.

11 ~~6737.3. (a) An employee of, or an independent~~
12 ~~contractor to,~~

13 *6737.3. (a) A person is not required to be licensed*
14 *pursuant to this chapter in order to practice engineering*
15 *for a manufacturing, mining, public utility, research and*
16 *development, or other industrial corporation is not*
17 *required to be licensed pursuant to this chapter in order*
18 *to perform the practice of engineering corporation with*
19 *respect to the products, systems, or services of the*
20 *corporation or any of its affiliates.*

21 (b) For purposes of subdivision (a):

22 (1) "Product" does not include manufactured
23 housing, unless the manufactured housing is of the type
24 for which engineering documents, *under Section 6737,*
25 are not required to be prepared by a professional
26 engineer authorized to practice civil engineering ~~under~~
27 ~~Section 6737.~~

28 (2) "Service" does not include consulting engineering
29 services to other entities or persons.

30 (c) Subdivision (a) does not apply to engineering
31 services for civil engineering works.

32 ~~6737.4. (a) An employee of a communication~~
33 ~~company under the jurisdiction of the Public Utilities~~
34 ~~Commission, when preparing engineering documents for~~
35 ~~communication lines and equipment of the company, is~~
36 ~~not required to be registered pursuant to this chapter.~~

37 ~~(b) An employee of a contractor, when engaged in~~
38 ~~work on communication equipment of the company, is~~
39 ~~not required to be registered pursuant to this chapter.~~

1 6737.6. Notwithstanding Section 6737.3, professional
2 engineers authorized to practice the appropriate
3 disciplines of engineering shall prepare the engineering
4 documents in the planning, designing, construction,
5 operation, or maintenance of a nuclear powerplant.

6 6738. This chapter does not preclude a person or an
7 entity in a business other than the practice of engineering
8 from employing, or contracting with, professional
9 engineers to perform engineering services that are
10 incidental to the business of that person or entity, as the
11 case may be.

12 6738.3. (a) A professional engineer granted retired
13 status by the board shall not perform, or offer to perform,
14 the practice of engineering, but, notwithstanding
15 Sections 6730.3 and 6731, may continue to use any title the
16 professional engineer was authorized to use prior to being
17 granted retired status with the term “retired” before or
18 after the title.

19 (b) Subdivision (a) does not apply to a professional
20 engineer who is authorized to return to the practice of
21 engineering from retired status.

22 Article 4. Licensure

23
24 25 6745. An applicant shall submit the required
26 application form, with all statements in the application
27 form made under penalty of perjury, and pay the
28 appropriate application fee, to the board upon applying
29 for any of the following:

30 (a) Licensure as a professional engineer or, if a
31 professional engineer, authorization to practice a second
32 or subsequent discipline of engineering.

33 (b) Licensure as a geotechnical engineer or structural
34 engineer.

35 (c) Temporary authorization.

36 (d) Certification as an engineer-in-training.

37 (e) Return to the practice of engineering from retired
38 status.

39 (f) Replacement license and certificate of practice.

40 (g) Duplicate certificate.

1 6745.2. An applicant applying for purposes of
2 subdivision (a) of Section 6745 shall specify the discipline
3 of engineering in which the applicant desires
4 authorization to practice.

5 6745.5. An applicant shall submit an application form,
6 with all statements in the application form made under
7 penalty of perjury, and pay the appropriate application
8 fee, in both of the following cases:

9 (a) Each discipline of engineering in which the
10 applicant seeks authorization to practice.

11 (b) Each authority in which the applicant seeks to be
12 licensed.

13 6745.7. An applicant failing an examination may be
14 reexamined upon submission of a reapplication, with all
15 statements in the reapplication form made under penalty
16 of perjury, and pay the appropriate reapplication fee, to
17 the board.

18 6746. An applicant for certification as an
19 engineer-in-training shall meet both of the following
20 requirements:

21 (a) He or she has committed no act or crime that is a
22 ground for denial of a license under Section 480.

23 (b) He or she has done one of the following:

24 (1) Completed satisfactorily three or more years of
25 full-time study in an engineering curriculum approved
26 by the board.

27 (2) Graduated with a baccalaureate degree in either
28 of the following:

29 (A) An engineering curriculum not approved by the
30 board.

31 (B) An engineering technology curriculum approved
32 by the board.

33 (3) Graduated with a master's or doctoral degree in an
34 engineering curriculum approved by the board at either
35 the graduate or undergraduate level and with a
36 baccalaureate degree in a nonengineering curriculum.

37 (4) Completed three or more years of full-time
38 engineering work experience approved by the board.

39 6746.2. (a) The board shall grant certification as an
40 engineer-in-training, and an engineer-in-training

1 certificate, to an applicant for that certification if the
2 applicant meets the requirements of Section 6746 and
3 passes the examination on fundamentals of engineering.

4 (b) Neither the certification nor the
5 engineer-in-training certificate granted to a person as an
6 engineer-in-training shall grant that person any rights or
7 privileges of a professional engineer.

8 (c) The engineer-in-training certificate shall be valid
9 until the person named on the certificate is granted
10 licensure as a professional engineer pursuant to this
11 article.

12 6746.5. The examination on fundamentals of
13 engineering shall test the applicant's knowledge of
14 appropriate fundamental engineering subjects, including
15 mathematics and the basic sciences.

16 6746.7. An applicant for licensure as a professional
17 engineer shall meet all of the following requirements:

18 (a) He or she has committed no act or crime that is a
19 ground for denial of a license under Section 480.

20 (b) He or she submits evidence of eight or more years
21 of qualifying experience.

22 (c) He or she has been certified as an
23 engineer-in-training by the board or by another state by
24 passing an examination on fundamentals of engineering
25 prepared by the National Council of Examiners for
26 Engineering and Surveying.

27 6746.8. (a) Notwithstanding subdivision (b) of
28 Section 6746.7, an applicant to take a principles and
29 practice examination before January 1, ~~1999~~ 2000, for
30 licensure as a professional engineer, shall have not less
31 than six years of qualifying experience.

32 (b) This section shall become inoperative on January
33 1, ~~1999~~ 2000, and, as of January 1, ~~2000~~ 2001, is repealed,
34 unless a later enacted statute, that becomes operative on
35 or before January 1, ~~2000~~ 2001, deletes or extends the
36 dates on which it becomes inoperative and is repealed.

37 6746.9. (a) Notwithstanding subdivision (b) of
38 Section 6746.7, an applicant to take a principles and
39 practice examination on or after January 1, ~~1999~~ 2000, but
40 before January 1, ~~2000~~ 2002, for licensure as a professional

1 engineer, shall not have less than seven years of qualifying
2 experience, except as provided in subdivision (b).

3 (b) Notwithstanding subdivision (a), an applicant
4 who the board determined prior to January 1, ~~1999~~ 2000,
5 was eligible to take a principles and practice examination
6 in a specific discipline of engineering prior to that date
7 shall remain eligible to take the examination in that
8 discipline even though the applicant does not have seven
9 years of qualifying experience.

10 (c) This section shall become inoperative on January
11 1, ~~2000~~ 2002, and, as of January 1, ~~2001~~ 2003, is repealed,
12 unless a later enacted statute, that becomes operative on
13 or before January 1, ~~2001~~ 2003, deletes or extends the
14 dates on which it becomes inoperative and is repealed.

15 6747. (a) Notwithstanding subdivision (b) of Section
16 6748.7, an applicant to take a principles and practice
17 examination in a specific discipline of engineering on or
18 after January 1, ~~2000~~ 2002, for licensure as a professional
19 engineer, but who the board determined, prior to that
20 date, was eligible to take the examination in that
21 discipline prior to that date, shall remain eligible to take
22 the examination in that discipline after that date if the
23 applicant has not less than seven years of qualifying
24 experience.

25 (b) This section shall remain in effect only until
26 January 1, ~~2001~~ 2003, and as of that date is repealed, unless
27 a later enacted statute, that is enacted before January 1,
28 ~~2001~~ 2003, deletes or extends that date.

29 6747.2. (a) To an applicant for licensure as a
30 professional engineer who applies to take a principles and
31 practice examination to be given before January 1, 2000,
32 the board shall grant an exemption from the requirement
33 of subdivision (c) of Section 6746.7 on the basis of any of
34 the following, if the applicant:

35 (1) Possesses an earned doctorate in a discipline of
36 engineering from a postsecondary educational institution
37 where the undergraduate or graduate curriculum for that
38 discipline is approved by the board.

(2) Is serving in a tenure-track position as an assistant professor or higher in an engineering curriculum approved by the board.

(b) This section shall become inoperative on January 1, 2000, and, as of January 1, 2003, is repealed, unless a later enacted statute, ~~which~~ *that* becomes operative on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

6747.5. To an applicant for licensure as a professional engineer, the board shall grant a license, and a certificate of licensure, as a professional engineer authorized to practice the discipline of engineering in which the applicant was examined, if the applicant meets the requirements of Section 6746.7 and passes all of the following examinations:

(a) The examination on the principles and practice of engineering for that discipline of engineering.

(b) The examination on this chapter, and the regulations of the board regarding the practice of engineering.

(c) Additional examinations as follows:

(1) When applying for authorization to practice civil engineering, the examinations on engineering surveying principles and on seismic principles.

(2) When applying for authorization to practice a discipline of engineering other than civil engineering, the examination on seismic requirements for the installation of nonstructural elements in a structure if the board adopts a regulation to this effect pursuant to Section 6752.5.

6747.7. In determining the amount of qualifying experience to be granted an applicant for purposes of subdivision (b) of Section 6746.7, on the basis of the educational achievement of the applicant at the undergraduate level, the board shall take, if applicable, one of the following actions:

(a) Shall grant four years for a baccalaureate degree in an engineering curriculum approved by the board.

(b) May grant two years for a baccalaureate degree in either of the following:

1 (1) An engineering curriculum not approved by the
2 board.

3 (2) An engineering technology curriculum approved
4 by the board.

5 (c) May grant, subject to subdivisions (a) and (b), not
6 more than one-half year for each year of satisfactory
7 completion of undergraduate study in an engineering
8 curriculum. For purposes of this subdivision, a year of
9 study is at least 32 semester units or 48 quarter units.

10 6748. For the educational achievement of an
11 applicant at the graduate level in an engineering
12 curriculum approved by the board at either the graduate
13 or undergraduate level, the board shall grant the
14 applicant, for purposes of subdivision (b) of Section
15 6746.7, the amount of qualifying experience specified in
16 the following applicable subdivisions in lieu of the
17 amount specified in Section 6747.7:

18 (a) Five years, for a master's or a doctoral degree with
19 a baccalaureate degree in an engineering curriculum
20 approved by the board.

21 (b) Four years, for a master's degree with a
22 baccalaureate degree in an engineering curriculum not
23 approved by the board.

24 (c) Not more than three years, for a master's degree
25 with a baccalaureate degree in a nonengineering
26 curriculum.

27 (d) Five years, for a master's and a doctoral degree
28 with a baccalaureate degree in an engineering
29 curriculum not approved by the board.

30 6748.2. For purposes of subdivision (b) of Section
31 6746.7, the board may grant up to one year of qualifying
32 experience for teaching engineering courses that meet
33 both of the following requirements:

34 (a) The courses were taught at not lower than the
35 junior year level at a postsecondary educational
36 institution.

37 (b) The courses were in an engineering curriculum
38 approved by the board.

39 6748.5. For purposes of subdivision (b) of Section
40 6746.7, the board may not grant more than a total of five

1 years of qualifying experience pursuant to Section 6748.2
2 and Section 6747.7 or 6748.

3 6748.7. (a) An applicant for licensure as a
4 professional engineer shall not have less than eight years
5 minus the years of qualifying experience granted
6 pursuant to Section 6748.2 and Section 6747.7 or 6748,
7 subject to the limitation of Section 6748.5, of qualifying
8 work experience in the practice of engineering.

9 (b) Of the qualifying work experience required
10 pursuant to subdivision (a), the applicant shall have
11 either of the following amount of qualifying work
12 experience, whichever is greater, in the discipline of
13 engineering that the applicant is applying for
14 authorization to practice:

15 (1) Two years.

16 (2) One-half of the required qualifying work
17 experience.

18 6748.8. (a) Notwithstanding Section 6748.7, in the
19 case of an applicant approved by the board to take a
20 principles and practice examination with less than eight
21 years of qualifying experience for licensure as a
22 professional engineer, the applicant shall have both of the
23 following:

24 (1) Either of the following amount of qualifying work
25 experience in the practice of engineering, whichever is
26 the greater:

27 (A) Two years.

28 (B) The number of years of qualifying experience
29 required pursuant to Section 6746.8, 6746.9, or 6747, as the
30 case may be, minus the years of qualifying experience
31 granted pursuant to Section 6748.2 and Section 6747.7 or
32 6748, subject to the limitation of Section 6748.5.

33 (2) Either of the following amount of qualifying work
34 experience, whichever is greater, in the discipline of
35 engineering that the applicant is applying for
36 authorization to practice:

37 (A) Two years.

38 (B) One-half of the required qualifying work
39 experience.

(b) This section shall remain in effect only until January 1, 2004 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004 2003, deletes or extends that date.

6749. (a) An applicant for licensure as a professional engineer shall have gained the required qualifying work experience under the responsible charge of a person holding a license or registration as a professional engineer granted by any state or country.

~~(b) Notwithstanding subdivision (a) If the applicant is applying for authorization to practice civil, electrical, or mechanical engineering, the qualifying work experience shall have been performed under a professional engineer authorized to practice that discipline or under a person, in the case of a person licensed or registered in another state or country, who would be authorized to practice that discipline if that person applied for licensure under this chapter.~~

(c) Notwithstanding subdivisions (a) and (b), the board shall grant equal credit for qualifying work experience acquired in any of the following situations as with any other comparable qualifying work experience:

(1) The armed forces of the United States.

(2) Employment with the United States.

(3) Employment, except in the discipline of civil engineering, with any other entity whose engineers are not required to be licensed pursuant to this chapter.

6749.2. With respect to the qualifying work experience required of a professional engineer applying for authorization to practice a discipline of engineering in which the professional engineer is not authorized to practice, both of the following apply:

(a) The professional engineer shall submit evidence of two or more years of qualifying work experience in the discipline of engineering that the professional engineer is applying for authorization to practice.

(b) The additional qualifying work experience required pursuant to subdivision (a) shall not have been used previously by the professional engineer in applying

1 for authorization to practice in any other discipline of
2 engineering.

3 6749.5. A professional engineer shall be authorized to
4 practice a second or subsequent discipline of
5 engineering, if the professional engineer passes all of the
6 following examinations:

7 (a) The appropriate examination on the principles
8 and practice of engineering for the second or subsequent
9 discipline of engineering.

10 (b) The examination on this chapter; and the
11 regulations of the board regarding the practice of
12 engineering for the second or subsequent time.

13 (c) Additional examinations as follows:

14 (1) When applying for authorization to practice civil
15 engineering, the examinations on engineering surveying
16 principles and on seismic principles.

17 (2) When applying for authorization to practice a
18 discipline of engineering other than civil engineering,
19 the examination on seismic requirements for the
20 installation of nonstructural elements in a structure if the
21 board adopts a regulation to this effect pursuant to
22 Section 6752.5.

23 6749.7. (a) A professional engineer who has passed all
24 of the required examinations specified in Section 6749.5
25 shall return to the board all prior certificates of licensure
26 issued to the professional engineer, except as provided in
27 subdivision (c).

28 (b) If the professional engineer returns to the board all
29 of the prior certificates of licensure, the board shall issue
30 to the professional engineer a certificate of licensure as a
31 professional engineer that does both of the following:

32 (1) Bears the same number as the certificate of
33 licensure initially issued to the professional engineer,
34 unless the initial certificate was issued to the professional
35 engineer prior to January 1, ~~1998~~ 1999.

36 (2) States each discipline of engineering in which the
37 professional engineer is authorized to practice and the
38 date of that authorization.

39 (c) (1) If a professional engineer with a certificate of
40 registration issued prior to January 1, ~~1998~~ 1999, elects to

1 retain that certificate, the board shall issue to the
2 professional engineer a certificate of licensure that states
3 only those disciplines of engineering in which the
4 professional engineer was authorized to practice after
5 that date.

6 (2) The professional engineer shall return to the board
7 any other certificate of licensure issued on or after
8 January 1, ~~1998~~ 1999.

9 6750. The board may grant licensure, and a certificate
10 of licensure, as a professional engineer to an applicant
11 who meets all of the following requirements:

12 (a) ~~Holds~~ *He or she holds* a license or registration as a
13 professional engineer that was granted to the applicant
14 by any state or country and was obtained by passing a
15 written examination equivalent to that required by this
16 chapter and the regulations of the board for the granting
17 of the requested licensure at the time the license or
18 registration of the other state or country was granted.

19 (b) ~~Meets~~ *He or she meets* the other requirements set
20 forth in this chapter, and the regulations of the board
21 regarding the granting of the requested licensure.

22 (c) ~~Passes~~ *He or she passes* the examination on this
23 chapter; and the regulations of the board regarding the
24 practice of engineering.

25 (d) ~~Passes~~ *He or she passes* additional examinations as
26 follows:

27 (1) When applying for authorization to practice civil
28 engineering, the examinations on engineering surveying
29 principles and on seismic principles.

30 (2) When applying for authorization to practice a
31 discipline of engineering other than civil engineering,
32 the examination on seismic requirements for the
33 installation of nonstructural elements in a structure if the
34 board adopts a regulation to this effect pursuant to
35 Section 6752.5.

36 6750.2. (a) Except as provided in subdivision (b), the
37 board shall not grant, pursuant to Section 6750, a license
38 that authorizes an applicant to practice a discipline of
39 engineering unless both of the following requirements
40 are met:

1 (1) The applicant passed a written examination, as
2 specified in subdivision (a) of Section 6750, for that
3 discipline.

4 (2) The board examines applicants on the principles
5 and practice of engineering for that discipline.

6 (b) The board may accept the eight-hour principles
7 and practice examination of the National Council of
8 Examiners for Engineering and Surveying for structural
9 engineering as a principles and practice examination for
10 civil engineering.

11 6750.5. The board shall not require applicants under
12 Section 6750 to meet any requirements that are not
13 required of applicants who are applying for licensure by
14 taking a principles and practice examination given by the
15 board.

16 6750.7. (a) The board may grant a temporary
17 authorization to an applicant to perform the practice of
18 engineering in a particular discipline of engineering for
19 a specific project.

20 (b) The applicant shall meet all of the following
21 requirements:

22 (1) Maintain no place of business in this state.

23 (2) Be authorized to practice in that discipline of
24 engineering in the state or country where the applicant
25 maintains a place of business.

26 (3) Demonstrate, by means of an appearance before
27 the board, satisfactory evidence of competence in that
28 discipline of engineering.

29 (4) Pass the examination on this chapter; and on the
30 regulations of the board regarding the practice of
31 engineering.

32 (c) The temporary authorization shall be valid for the
33 period specified thereon, not to exceed 120 days.

34 6751. The board, by regulation, shall adopt the criteria
35 to approve engineering curricula, and engineering
36 technology curricula, of postsecondary educational
37 institutions.

38 6751.2. The board, by regulation, shall adopt the
39 procedure for the evaluation of the education and
40 engineering work experience of an applicant for the

1 granting of qualifying experience to meet the
2 requirements for both of the following:

3 (a) Licensure as a professional engineer or, if a
4 professional engineer, for authorization to practice a
5 second or subsequent discipline of engineering.

6 (b) Licensure as a geotechnical engineer or structural
7 engineer.

8 6751.5. The examination on the principles and
9 practice of engineering shall test the applicant's ability to
10 apply the applicant's knowledge and experience in the
11 discipline of engineering that the applicant is applying for
12 authorization to practice.

13 6751.7. (a) The examination specified in subdivision
14 (b) of Section 6747.5, subdivision (b) of Section 6749.5,
15 subdivision (c) of Section 6750, and paragraph (4) of
16 subdivision (b) of Section 6750.7 shall test the applicant's
17 knowledge of this chapter; and the regulations of the
18 board regarding the practice of engineering.

19 (b) The board shall prepare, and distribute to
20 applicants for licensure as a professional engineer or, if a
21 professional engineer, authorization to practice a second
22 or subsequent discipline of engineering, all of the
23 following:

24 (1) A copy of this chapter; and the regulations of the
25 board regarding the practice of engineering.

26 (2) A plain language pamphlet explaining this chapter
27 and those regulations.

28 (3) Any additional material that the board deems
29 appropriate.

30 6752. For purposes of paragraph (1) of subdivision (c)
31 of Section 6747.5, paragraph (1) of subdivision (c) of
32 Section 6749.5, and paragraph (1) of subdivision (d) of
33 Section 6750, the examination on engineering surveying
34 principles shall test the applicant's knowledge of
35 engineering surveying principles, including terminology
36 and definitions, limitation of practice, field procedures
37 and operation, surveying calculations, and office
38 procedure.

39 6752.2. For purposes of paragraph (1) of subdivision
40 (c) of Section 6747.5, paragraph (1) of subdivision (c) of

1 Section 6749.5, and paragraph (1) of subdivision (d) of
2 Section 6750, the examination on seismic principles shall
3 test the applicant's knowledge, skill, and ability to
4 implement the seismic design aspects of civil engineering
5 works, including an understanding of the purpose and
6 scope of applicable codes, methods, and analysis
7 necessary to determine the forces in the lateral resisting
8 elements.

9 6752.5. The board, by regulation, may require
10 applicants for authorization to practice a discipline of
11 engineering, other than civil engineering, to pass an
12 examination that tests the applicant's knowledge of
13 seismic requirements for the installation of nonstructural
14 elements in a structure, if the board determines that this
15 knowledge is necessary in that discipline of engineering
16 to minimize earthquake-caused nonstructural damage in
17 a structure.

18 6752.7. An applicant for licensure as a geotechnical
19 engineer shall meet both of the following requirements:

20 (a) He or she is a professional engineer authorized to
21 practice civil engineering.

22 (b) He or she *has* submitted evidence of not less than
23 four years of professional civil engineering experience
24 after the date the applicant was authorized to practice
25 civil engineering, with not less than 50 percent of the
26 annual experience being geotechnical engineering
27 qualifying experience.

28 6753. For purposes of Section 6752.7, "geotechnical
29 engineering qualifying experience" means being in
30 responsible charge of geotechnical engineering projects
31 in at least 50 percent of the major areas of geotechnical
32 engineering, as determined by the board.

33 6753.2. To an applicant for licensure as a geotechnical
34 engineer, the board shall grant a license, and a certificate
35 of authority, as a geotechnical engineer, if the applicant
36 meets both of the following requirements:

37 (a) He or she meets the requirements of Section
38 6752.7.

39 (b) He or she passes the eight-hour examination in
40 geotechnical engineering approved by the board.

1 6753.5. An applicant for licensure as a structural
2 engineer shall meet both of the following requirements:

3 (a) ~~Is~~ *He or she is* a professional engineer authorized
4 to practice civil engineering.

5 (b) ~~Has~~ *He or she has* submitted evidence of not less
6 than three years of structural engineering qualifying
7 experience after the date the applicant was authorized to
8 practice civil engineering.

9 6753.7. ~~(a)~~ For purposes of Section 6753.5,
10 “structural engineering qualifying experience” means
11 being in responsible charge of the design, rehabilitation,
12 and investigation of ~~multistory buildings or equivalent~~
13 ~~multilevel structures~~ *bridges or multistory buildings* of
14 steel, concrete, wood, or masonry, or any combination
15 thereof, to resist vertical and lateral loads of a static and
16 dynamic nature in conformance with applicable local,
17 state, and federal code requirements with respect to
18 design loads, materials, and detailing.

19 ~~(b) For purposes of subdivision (a), “structure” means~~
20 ~~_____.~~

21 6754. To an applicant for licensure as a structural
22 engineer, the board shall grant a license, and a certificate
23 of authority, as a structural engineer, if the applicant
24 meets both of the following requirements:

25 (a) He or she meets the requirements of Section
26 6753.5.

27 (b) He or she passes the 16-hour examination in
28 structural engineering approved by the board.

29 6754.7. With respect to a professional engineer on
30 retired status who is returned to the practice of
31 engineering and who, prior to being granted retired
32 status, was authorized to practice two or more disciplines
33 of engineering, the professional engineer shall return to
34 the board any certificate that states that the professional
35 engineer is authorized to practice in a discipline of
36 engineering in which the professional engineer has not
37 been successfully examined again ~~pursuant to subdivision~~

38 ~~(b) of Section 6754.5.~~ *in the appropriate examinations*
39 *specified in Section 6747.5.*

1 6755. A professional engineer on retired status who is
2 returned to the practice of engineering shall return to the
3 board any certificate of authority unless the professional
4 engineer again passes the appropriate examination in
5 geotechnical engineering or structural engineering.

6 6755.2. A majority vote of the board is required to
7 grant any of the following to an applicant:

8 (a) Licensure as a professional engineer, or
9 authorization to practice a second or subsequent
10 discipline of engineering, and a certificate of licensure.

11 (b) Licensure as a geotechnical engineer or a
12 structural engineer and a certificate of authority.

13 (c) Temporary authorization.

14 (d) Certification as an engineer-in-training and an
15 engineer-in-training certificate.

16 (e) Return to the practice of engineering from retired
17 status.

18 6755.5. (a) A majority of the board may rescind any
19 of its actions taken pursuant to Section 6755.2 if that action
20 was taken by mistake.

21 (b) The board shall revoke the license, temporary
22 authorization, certification, retired status, or return to the
23 practice of engineering from retired status granted to the
24 applicant by mistake, and the applicant shall return to the
25 board any corresponding certificate, including an
26 engineer-in-training certificate, issued to him or her.

27 (c) Offering to perform, or performing, the practice of
28 engineering, or the use of any title, by the applicant on
29 the basis of the action taken by the board by mistake is not
30 a violation of this chapter for purposes of Article 7
31 (commencing with Section 6780) and Article 8
32 (commencing with Section 6785).

33 6755.7. The board shall issue a pocket certificate upon
34 the issuance of a license, authorization to practice a
35 second or subsequent discipline of engineering, or return
36 to the practice of engineering from retired status.

37 6756. With respect to examinations, the board shall do
38 both of the following:

39 (a) Determine the time when, and the place where,
40 examinations are to be held.

(b) Adopt the scope of the examinations and the procedures for the administration of examinations.

6756.2. (a) The board may deny the application of an applicant for any examination, for a period not to exceed three years, for a violation by the applicant of any of the following:

(1) Section 123.

(2) Regulations of the board regarding examination procedures.

(3) Provisions of the examinee instructions.

(4) Provisions of the statement of compliance.

(b) In determining the length of the period of denial to the applicant, the board shall consider, but not be limited to, all of the following factors:

(1) The conduct that was engaged in by the applicant.

(2) Whether the applicant has repeatedly violated the section, the regulations, and the provisions specified in subdivision (a).

(3) Whether the applicant has submitted a letter of advisement of his or her understanding of, and intent to comply with, the section, the regulations, and the provisions specified in subdivision (a) when taking any future examination given by the board.

(c) For a violation of Section 123, the penalty specified in subdivision (a) is in addition to any other penalties authorized to be imposed, and any damages and any costs authorized to be recovered, by other provisions of law for that violation.

6756.5. (a) A professional engineer shall obtain a seal or stamp of a design, as specified in the regulations of the board, that bears the professional engineer's name, the number of the license, the legend "professional engineer," and the designation of the discipline of engineering in which the professional engineer is authorized to practice.

(b) (1) The seal or stamp may bear the expiration date of the license.

(2) If the seal or stamp does not bear the expiration date, the professional engineer shall indicate, on any

1 engineering document on which the seal or stamp is used,
2 the expiration date within the sealed or stamped area.

3 (c) (1) The seal or stamp may bear the designation of
4 all of the disciplines of engineering in which the
5 professional engineer is authorized to practice.

6 (2) If the disciplines of engineering in which the
7 professional engineer is authorized to practice are under
8 different licenses and the seal bears an expiration date,
9 that expiration date shall be the expiration date of the
10 license that will expire first.

11 6756.7. A professional engineer who is authorized to
12 practice civil engineering and is licensed as a
13 geotechnical or structural engineer shall obtain a seal of
14 a design, as specified by the board pursuant to subdivision
15 (a) of Section 6756.5, except that the seal shall bear the
16 term “geotechnical engineering” or “structural
17 engineering,” as the case may be, and the authority
18 license number in place of the term “civil engineering”
19 and the professional engineering license number.

20 6757. (a) The board may grant a replacement
21 license, and a replacement certificate of practice, to
22 replace all of the registrations and certificates of
23 registration of the professional engineer dated prior to
24 January 1, ~~1998~~ 1999.

25 (b) The initial expiration date of the replacement
26 license is the expiration date of the replaced registration
27 that will expire first.

28 6757.2. The board may issue a duplicate certificate of
29 licensure, certificate of authority, certificate authorizing
30 the use of the title of “consulting engineer,”
31 engineer-in-training certificate, or pocket certificate to
32 replace that certificate if it is lost, destroyed, or mutilated.

33

34 Article 5. Renewal of Licenses

35

36 6765. (a) Upon renewal, a license shall be valid for
37 four years from its previous assigned date of expiration or,
38 in the case of the initial renewal, for four years from the
39 commencement of the first quarter that begins more



1 than 90 days after the board has approved the issuance of
2 the license.

3 (b) Quadrennial renewals of licenses ~~shall~~ *may* be
4 staggered ~~on a monthly basis~~ to even out, to the extent
5 possible, the workload of the board in renewing licenses.

6 6765.2. A licensee shall be responsible for the renewal
7 of his or her license even if the licensee does not receive
8 a renewal notice from the board.

9 6765.5. (a) As a service to licensees, not less than 60
10 days, or more than 90 days, prior to the expiration of a
11 licensee's license, the board shall mail a renewal notice,
12 ~~that shall include~~ *including* a renewal application, to the
13 licensee at his or her address, as indicated in his or her
14 individual file with the board.

15 (b) If the licensee does not renew a license by the
16 expiration date indicated on the renewal application, the
17 board shall mail a second notice to the licensee.

18 6765.7. The date of renewal of a license by a licensee
19 is either of the following:

20 (a) The postmarked date of the mail sent by the
21 licensee to the board with the renewal application, the
22 renewal fee, and, if applicable, the delinquency fee.

23 (b) The date the licensee, in person, submits to the
24 board the renewal application, the renewal fee, and, if
25 applicable, the delinquency fee.

26 6766. To renew an unexpired license, the licensee, on
27 or before the expiration date, shall return the renewal
28 application, and pay the renewal fee, to the board.

29 6766.2. (a) A license not renewed, on or before its
30 expiration date, shall constitute an expired license except
31 as provided in subdivision (b) of Section 6766.5.

32 (b) Except as provided in subdivision (a) of Section
33 6768.2, an expired license only may be renewed pursuant
34 to Section 6766.5, 6766.7, or 6767, depending on the length
35 of the expiration period.

36 (c) The renewal of an expired license does not extend
37 the renewal period for which the renewal fee is required
38 to be paid, and the expiration date set pursuant to Section
39 6765 for the expired license shall not be affected by the
40 late renewal.

1 6766.5. (a) If the date of renewal of a license is 60 days
2 or less after the expiration date, the licensee may renew
3 the expired license as if the license had not expired by
4 returning the renewal application, and paying the
5 renewal fee, to the board.

6 (b) The license shall be deemed not to be expired
7 during this 60-day period for purposes of this chapter only
8 if the licensee renews the license during the 60-day
9 period.

10 6766.7. If the date of renewal of a license is more than
11 60 days, but ~~less than three years~~ *three years or less*, after
12 the expiration date, the licensee may renew the expired
13 license by returning the renewal application, and paying
14 the renewal fee and the delinquency fee, to the board.

15 6767. If the date of renewal of a license is more than
16 three years after the expiration date, the licensee may
17 renew the license only if the licensee meets all of the
18 following requirements:

19 (a) He or she has committed no act or crime that is a
20 ground for the denial of licensure on the basis of the
21 grounds specified in Section 480.

22 (b) He or she does either of the following, as required
23 by the board:

24 (1) Passes all of the examinations required, as if the
25 licensee were applying for licensure for the first time.

26 (2) Establishes to the satisfaction of the board, with
27 due regard to the protection of the public interest, that
28 the licensee is qualified to perform the practice of
29 engineering, including, but not limited to, passing any of
30 the required examinations.

31 (c) He or she does either or both of the following, as
32 may be required by the board:

33 (1) Pays the application fee to take any of the required
34 examinations as if applying for licensure for the first time.

35 (2) Pays all of the accrued renewal fees and
36 delinquency fees, if the licensee is not required to take all
37 of the required examinations, as specified in paragraph
38 (1) of subdivision (b).

39 6767.2. The board shall issue to the licensee a pocket
40 certificate when the licensee renews his or her license.

1 6767.5. (a) For purposes of renewing a license
2 pursuant to Section 6767, or reinstating a license pursuant
3 to Section 6768.2, of a licensee authorized to practice two
4 or more disciplines of engineering, the board, in lieu of
5 renewing or reinstating the expired license, may grant to
6 the licensee a new license that does not authorize the
7 licensee to practice all of the disciplines of engineering in
8 which the licensee was authorized previously under the
9 expired license.

10 (b) The certificate for the new license shall be the
11 initially issued certificate for purposes of paragraph (1) of
12 subdivision (b) of Section 6749.7.

13 (c) For purposes of paragraph (1) of subdivision (b)
14 of Section 6767, the required examinations shall include
15 the examination on the principles and practice of
16 engineering in each of those disciplines.

17 6767.7. Section 6767.5 shall not apply to a licensee who
18 is renewing his or her license pursuant to Section 6767 if
19 the license being renewed authorizes the licensee to
20 practice only one discipline of engineering.

21 6768. (a) A suspended license shall be subject to
22 expiration and may be renewed as provided in this article.

23 (b) The renewal of a suspended license, however, shall
24 not authorize the licensee to perform the practice of
25 engineering, or to engage in any other activity or
26 conduct, in violation of the order or judgment that
27 suspended the license.

28 6768.2. (a) A revoked license is subject to expiration
29 as provided in this article and may not be renewed.

30 (b) If the board authorized the reinstatement of a
31 revoked license after it has expired, the licensee, as a
32 condition of reinstatement of his or her revoked license,
33 shall follow the procedure for the renewal of licenses
34 specified in Section 6766.5, 6766.7, or 6767, depending on
35 the length of the expiration period.

36 6768.5. With respect to a licensee whose expired
37 license is renewed or reinstated, all of the following apply:

38 (a) The board shall continue to have jurisdiction over
39 the licensee as if the license had not expired at any time,

1 including the period during which the license was
2 expired.

3 (b) (1) The fact that the engineering services were
4 performed by the licensee during the period that the
5 license had expired, shall not mean that the engineering
6 services were not otherwise lawful and validly
7 performed.

8 (2) Notwithstanding paragraph (1), those
9 engineering services shall not be considered to be
10 lawfully and validly performed for purposes of Article 7
11 (commencing with Section 6780) and Article 8
12 (commencing with Section 6785).

13 (c) The renewal of the license by, or the reinstatement
14 of the license to, the licensee, or the performance of any
15 engineering services by the licensee during the period
16 the license was expired, shall not effect any liability issues
17 with respect to those engineering services.

18

19 Article 6. Engineering Entities

20

21 6770. (a) An engineering entity shall not perform, or
22 offer to perform, the practice of engineering in this state
23 unless it has filed with the board an organization record
24 that includes all the required information.

25 (b) (1) A public entity performing the practice of
26 engineering shall file with the board an organization
27 record that includes all the required information.

28 (2) For purposes of this article, a public entity is also
29 subject to Sections 6770.7, 6771.2, ~~6771.5~~, 6771.7, and
30 6773.5.

31 (3) For purposes of this subdivision, “public entity”
32 has the same meaning as defined in Section 811.2 of the
33 Government Code.

34 6770.2. An entity performing the practice of
35 engineering is not required to file an organization record
36 with the board upon meeting all of the following
37 requirements:

38 (a) The entity is a nonresident of the state.

39 (b) The entity is authorized by another state to
40 perform the practice of engineering.



1 (c) The entity does not maintain a place of business in
2 the state.

3 (d) The entity offers to perform in the practice of
4 engineering outside of this state, and the engineering
5 services contracted for is not for facilities located, or to be
6 located, in this state.

7 6770.5. A person, firm, or corporation holding a
8 license issued pursuant to the Real Estate Law (Part 1
9 (commencing with Section 10000) of Division 4), while
10 acting in the capacity of a real estate salesperson or a real
11 estate broker, is not required to file an organization
12 record with the board in order to make a financial
13 appraisal and valuation of real estate.

14 6770.7. The organization record filed with the board
15 shall contain, but not be limited to, all of the following
16 information:

17 (a) Name of the engineering entity.

18 (b) Type of entity and, if a corporation, the date and
19 place of incorporation.

20 (c) Location in this state of each office of the entity.

21 (d) Name of each officer and director, if any, of the
22 entity.

23 (e) Discipline of engineering services to be offered.

24 (f) For each professional engineer in responsible
25 charge, all of the following:

26 (1) Name.

27 (2) Position.

28 (3) Professional engineering license number.

29 (4) Discipline of engineering in which authorized to
30 practice.

31 (5) Authority license number, if applicable.

32 (6) Responsible charge in which discipline of
33 engineering services.

34 6771. For purposes of subdivision (c) of Section 6770.7
35 and Section 6773.7, “office” shall not include a temporary
36 field office located on a project construction site.

37 6771.2. Not more than 30 days after the effective date
38 of any change in any of the information required
39 pursuant to Section 6770.7 in the organization record of
40 an engineering entity, the entity shall file an amended

1 organization record with the board that includes all the
2 required information.

3 6771.7. (a) An engineering entity shall report to the
4 board any settlement, arbitration award, or judgment
5 exceeding thirty thousand dollars (\$30,000) for deceit,
6 fraud, misrepresentation, breach of contract, negligence,
7 or incompetence, or any combination thereof, within 60
8 days after consent to the settlement, service of the
9 arbitration award, or pronouncement of the judgment, in
10 the practice of engineering against either of the
11 following:

12 (1) The engineering entity.

13 (2) A ~~professional-engineer~~ *licensee* employee of the
14 engineering entity if the amount, or a portion of the
15 amount, imposed pursuant to the settlement, arbitration
16 award, or judgment was paid by, or on behalf of, the
17 engineering entity.

18 (b) For purposes of subdivision (a), settlement does
19 not include a settlement in which there is no expressed
20 admission by the engineering entity or the ~~professional~~
21 ~~engineer~~ *licensee* employee that any of the offenses
22 specified in subdivision (a) were committed.

23 6772. (a) For the name, or the last name, of a person
24 to be used in the name of an engineering entity, that
25 person shall be one of the following:

26 (1) A professional engineer.

27 (2) An architect licensed pursuant to the Architects
28 Practice Act (Chapter 3 (commencing with Section
29 5500)).

30 (3) A geologist registered pursuant to the Geologist
31 and Geophysicist Act (Chapter 12.5 (commencing with
32 Section 7800)).

33 (4) A land surveyor licensed pursuant to the
34 Professional Land Surveyors' Act (Chapter 15
35 (commencing with Section 8700)).

36 (b) Notwithstanding subdivision (a), in the case of an
37 out-of-state entity, the name, or the last name, of a person
38 not so licensed or registered in this state may be used if
39 that person is so licensed or registered by the appropriate
40 board of another state.

1 6772.2. An engineering entity may use, in its name,
2 the name of a deceased or retired person if all of the
3 following conditions are satisfied:

4 (a) The person's name had been used in the name of
5 the entity, or a predecessor in interest of the entity, prior
6 to and continuously after the death or retirement of the
7 person.

8 (b) The person had been an owner, a shareholder, an
9 officer, or a director of the entity or a predecessor in
10 interest of the entity.

11 (c) The person had been licensed or registered as a
12 professional engineer, an architect, a geologist, or a land
13 surveyor by the appropriate licensing board of any state.

14 (d) The person has consented to the use of his or her
15 name and does not permit the use of that name in the
16 name of another entity in this state during the period of
17 consent. However, the person, if previously retired, may
18 use his or her name as the name of a new or purchased
19 entity if the person's name used is not identical in every
20 respect to that person's name as used in the previous
21 entity.

22 6772.5. A person's name or last name included in the
23 name of an engineering entity is applicable only to one
24 person, unless the name or last name is repeated.

25 6772.7. An engineering entity may use a fictitious
26 name if it does not conflict with Section 6772 or 6772.2.

27 6773. (a) Notwithstanding Sections 6772 and 6772.2,
28 an engineering entity that was engaged lawfully in the
29 practice of engineering on December 31, ~~1997~~ 1998, may
30 use the name that it had on that date.

31 (b) A succeeding entity of that entity may also use that
32 name after that date.

33 6773.2. A professional engineer who is an owner, a
34 shareholder, an officer, or a director of an engineering
35 entity shall be in responsible charge of the practice of
36 engineering of the entity.

37 6773.5. The engineering documents provided by an
38 engineering entity shall be prepared by, or be prepared
39 under the responsible charge of, a professional engineer.

1 6773.7. An engineering entity with an office in this
2 state shall have, at that office, a professional engineer who
3 is physically present on a regular basis and in responsible
4 charge.

5 6774. (a) Any person whose name or last name is
6 used in an advertisement or offer of an engineering
7 entity, but his or her name is not included in the name of
8 the engineering entity, shall be a professional engineer.

9 (b) If the name or last name of a professional engineer
10 is used in an advertisement or offer of an engineering
11 entity, and his or her name or his or her last name is not
12 included in the name of the engineering entity, the
13 engineering entity shall include, in the advertisement or
14 offer, both of the following:

15 (1) The license number of the professional engineer.

16 (2) The discipline of engineering in which the
17 professional engineer is authorized to practice.

18 6774.2. A person who is not a professional engineer
19 may be an owner, a shareholder, an officer, or a director
20 of an engineering entity.

21 Article 7. Penal Offenses

22
23
24 6780. The board shall investigate violations of this
25 chapter, and of any provision of Division 1 (commencing
26 with Section 100) and Division 1.5 (commencing with
27 Section 475) under which the board may act, and the
28 executive officer shall aid the appropriate prosecutorial
29 agency in the prosecution of any person who committed
30 those violations.

31 6780.2. Unless otherwise specified in this chapter, a
32 violation of this chapter is a misdemeanor punishable by
33 a fine of not more than one thousand dollars (\$1,000), or
34 by imprisonment in a county jail for not more than one
35 year, or by both the fine and imprisonment.

36 6780.5. No person shall submit false information to the
37 board, or to any member of the board, or to the executive
38 officer, including, but not limited to, an application, an
39 organization record, or evidence in an investigation.

1 6780.7. No person shall represent himself or herself as
2 a professional engineer, or as a geotechnical engineer or
3 structural engineer, unless the person is a professional
4 engineer, or a geotechnical engineer or structural
5 engineer.

6 6781. No person shall impersonate any of the
7 following:

8 (a) A professional engineer or a geotechnical engineer
9 or structural engineer.

10 (b) Another professional engineer, or another
11 geotechnical engineer or structural engineer, if the
12 person is a professional engineer.

13 (c) A former professional engineer or a former
14 geotechnical engineer or structural engineer.

15 6781.2. No person shall do either of the following:

16 (a) Use the seal of a professional engineer, or a
17 geotechnical engineer or structural engineer, or a former
18 professional engineer, or a former geotechnical engineer
19 or structural engineer, unless the person is a professional
20 engineer, or a geotechnical engineer or structural
21 engineer, using his or her own seal.

22 (b) Use anything to impersonate the seals used by
23 professional engineers or geotechnical engineers or
24 structural engineers.

25 6781.5. No person shall use the title
26 “engineer-in-training” or “engineer intern” or any other
27 similar title, or the abbreviation “EIT” or “EI” or any
28 other similar abbreviation, to represent himself or herself
29 as a professional engineer, or as a geotechnical engineer
30 or structural engineer, or to state or imply the right to
31 perform the practice of engineering.

32 6781.7. No person shall offer to perform, or perform,
33 the practice of engineering under an expired, suspended,
34 or revoked license.

35 6782. (a) No person shall violate Section 119.

36 (b) For purposes of this section, “certificate,” as used
37 in Section 119, also includes an engineer-in-training
38 certificate, a certificate authorizing the use of the title
39 “consulting engineer,” and a certificate of authority.

1 6782.2. No person shall be in responsible charge unless
2 the person is a professional engineer.

3 6782.5. Any person who violates Section 6725, 6730.3,
4 or 6731, or Sections 6780.7 to 6782.2, inclusive, by offering
5 to perform, or by performing, engineering services for
6 the repair of damage caused by a natural disaster for
7 which a state of emergency is proclaimed by the
8 Governor pursuant to Section 8625 of the Government
9 Code, or for which an emergency or major disaster is
10 declared by the President of the United States, ~~are~~ is
11 subject to either of the following penalties:

12 (a) A fine of not more than ten thousand dollars
13 (\$10,000) or imprisonment in the state prison for 16
14 months, or for two or three years, or by both the fine and
15 imprisonment.

16 (b) A fine of not more than one thousand dollars
17 (\$1,000), or imprisonment in a county jail for not more
18 than one year, or by both the fine and imprisonment.

19
20 Article 8. Administrative Discipline
21

22 6785. The board may, upon its own motion, or shall
23 upon the filing of a written complaint under the penalty
24 of perjury with the board, investigate any act of a
25 ~~professional—engineer~~ licensee in the practice of
26 engineering that is any of the following:

27 (a) Grounds for disciplinary action as specified in this
28 article.

29 (b) Violation of any other provision of this chapter.

30 (c) Violation of any provision of Division 1
31 (commencing with Section 100) and Division 1.5
32 (commencing with Section 475) under which the board
33 may act.

34 6785.2. For any act of a ~~professional—engineer~~ licensee
35 in the practice of engineering specified in Section 6785,
36 the board may do any of the following:

37 (a) Reprimand the ~~professional—engineer~~ licensee.

38 (b) Place the ~~professional—engineer~~ licensee on
39 probation.

1 (c) Suspend, for not more than five years, the license
2 of the ~~professional engineer~~ licensee.

3 (d) Revoke the license of the ~~professional engineer~~
4 licensee.

5 (e) Issue a citation containing an order of abatement
6 or an order to pay an administrative fine, pursuant to
7 Section 125.9.

8 (f) Take any other action authorized by any other
9 provision of law.

10 6785.5. Any action taken by the board pursuant to
11 subdivision (b), (c), or (d) of Section 6785.2 shall apply
12 to all certificates and licenses of the ~~professional engineer~~
13 licensee, including any certificate of authority and
14 licensure in an authority.

15 6785.7. (a) With respect to a revoked license, the
16 board, for reasons it deems appropriate, may do any of the
17 following:

18 (1) Reinstate the revoked license.

19 (2) Grant a new license in lieu of the revoked license.

20 (3) Impose conditions on the license that was
21 reinstated or granted.

22 (b) In lieu of reinstating a revoked license as a
23 professional engineer, the board may grant a new license
24 that does not authorize the licensee to practice all of the
25 disciplines of engineering in which the licensee was
26 authorized previously under the revoked license.

27 6786. (a) A determination that the ~~professional~~
28 ~~engineer~~ licensee has been convicted of a crime
29 substantially related to the qualifications, functions, and
30 duties of a professional engineer shall be grounds for
31 disciplinary action.

32 (b) (1) A plea or a verdict of guilty, or a plea of nolo
33 contendere, is deemed a conviction for purposes of
34 subdivision (a).

35 (2) The certified record of conviction is conclusive
36 evidence of that conviction.

37 (c) The board may suspend or revoke a license, or
38 decline to grant a license, regardless of a subsequent
39 order under Section 1203.4 of the Penal Code, upon the
40 occurrence of any of the following:

1 (1) The time for appeal has elapsed.

2 (2) The judgment of conviction has been affirmed on
3 appeal.

4 (3) An order granting probation is made suspending
5 the imposition of the sentence.

6 6786.2. A determination that the ~~professional~~
7 ~~engineer~~ *licensee* has committed deceit, fraud, or
8 misrepresentation in the practice of engineering shall be
9 grounds for disciplinary action.

10 6786.5. A determination that the ~~professional~~
11 ~~engineer~~ *licensee* has committed a breach of contract in
12 the practice of engineering shall be grounds for
13 disciplinary action.

14 6786.7. A determination that the ~~professional~~
15 ~~engineer~~ *licensee* has committed negligence in the
16 practice of engineering shall be grounds for disciplinary
17 action.

18 6787. A determination that the ~~professional-engineer~~
19 *licensee* has committed incompetence in the practice of
20 engineering shall be grounds for disciplinary action.

21 6787.2. A determination that the ~~professional~~
22 ~~engineer~~ *licensee* has offered to perform, or has
23 performed, the practice of engineering while being an
24 owner, shareholder, officer, or director of an engineering
25 entity during a period that the entity does not have on file
26 with the board an organization record that includes all
27 the required information shall be grounds for disciplinary
28 action.

29 6787.5. A determination that the person has
30 committed deceit, fraud, or misrepresentation in
31 securing any of the following shall be grounds for
32 disciplinary action:

33 (a) Licensure as a professional engineer or
34 authorization to practice a second or subsequent
35 discipline of engineering.

36 (b) Licensure as a geotechnical engineer or structural
37 engineer.

38 (c) Temporary authorization.

39 (d) Authorization to use the title of “consulting
40 engineer” pursuant to Section 6731.3.

1 6787.7. A determination that a ~~professional engineer~~
2 *the licensee* has committed any of the license offenses
3 specified in Section 119 shall be grounds for disciplinary
4 action.

5 6788. (a) A determination that the
6 engineer-in-training has committed any of the following
7 shall be grounds for the revocation of his or her
8 certification as an engineer-in-training and his or her
9 engineer-in-training certificate:

10 (1) The license offenses specified in Section 119 with
11 respect to an engineer-in-training certificate.

12 (2) Deceit, fraud, or misrepresentation in securing his
13 or her certification and certificate.

14 (3) A violation of Section 6725, 6780.7, 6781, or 6781.2,
15 or any combination thereof.

16 (b) In the case of certification by another state, the
17 board may elect not to recognize that certification for
18 purposes of subdivision (c) of Section 6746.7.

19 6788.2. (a) A determination that the ~~professional~~
20 ~~engineer~~ *licensee* is impersonating, or using a seal of,
21 another professional engineer or a former professional
22 engineer, shall be grounds for disciplinary action.

23 (b) The prohibition ~~contained in~~ of subdivision (a)
24 also applies to the impersonation, and the use of a seal, of
25 a geotechnical engineer or structural engineer or of a
26 former geotechnical engineer or structural engineer.

27 6788.5. A determination that a ~~professional engineer~~
28 *the licensee* signed and sealed engineering documents
29 that were not prepared by, or under the responsible
30 charge of, the ~~professional engineer~~ *licensee* shall be
31 grounds for disciplinary action, except with respect to a
32 pre-engineered component pursuant to Section 6727.6.

33 6788.7. A determination that a ~~professional engineer~~
34 *the licensee* has aided or abetted any person to violate this
35 chapter shall be grounds for disciplinary action.

36 6789. A determination that a ~~professional engineer~~
37 *the licensee* has violated this chapter shall be grounds for
38 disciplinary action.

39 6789.2. (a) A determination that a ~~professional~~
40 ~~engineer~~ *the licensee* has failed to report to the board any

1 settlement, arbitration award, or judgment exceeding
2 thirty thousand dollars (\$30,000) against the ~~professional~~
3 ~~engineer~~ licensee for deceit, fraud, misrepresentation,
4 breach of contract, negligence, or incompetence, or any
5 combination thereof, in the practice of engineering,
6 within 60 days after consent to the settlement, service of
7 the arbitration award, or pronouncement of the
8 judgment, shall be grounds for disciplinary action.

9 (b) For purposes of subdivision (a), settlement does
10 not include a settlement in which there is no expressed
11 admission by the ~~professional-engineer~~ licensee, or the
12 engineering entity employing the ~~professional-engineer~~
13 licensee, that any of the offenses specified in subdivision
14 (a) ~~were~~ was committed by the ~~professional-engineer~~
15 licensee.

16 6789.5. ~~A professional-engineer~~ The licensee need not
17 report any settlement, arbitration award, or judgment
18 pursuant to Section 6789.2 if the amount, or a portion of
19 the amount, imposed pursuant to the settlement,
20 arbitration award, or judgment was paid by, or on behalf
21 of, the engineering entity employing the ~~professional~~
22 ~~engineer~~ licensee. In that case, the engineering entity
23 shall report the settlement, arbitration award, or
24 judgment, and the name of the ~~professional-engineer~~
25 licensee, pursuant to Section 6771.7.

26 6789.7. For purposes of Sections 6789.2 and 6789.5,
27 “engineering entity” includes a public entity specified in
28 subdivision (b) of Section 6770.

29 6790. A determination under this article shall be
30 made in a proceeding conducted in accordance with the
31 administrative adjudication provisions of the
32 Administrative Procedure Act (Chapter 4.5
33 (commencing with Section 11400) and Chapter 5
34 (commencing with Section 11500) of Part 1 of Division 3
35 of Title 2 of the Government Code), and the board shall
36 have all the powers granted to an agency in those
37 chapters.

38

Article 9. Revenues

6795. (a) The Professional Engineer's and Land Surveyor's Fund is continued in existence as the Professional Engineers and Land Surveyors Fund.

(b) Any reference in any law or regulation to the Professional Engineer's and Land Surveyor's Fund shall be deemed to refer to the Professional Engineers and Land Surveyors Fund.

6795.2. All funds received pursuant to this chapter, and all fines and recovered costs of investigations, shall be deposited in the fund and, upon appropriation by the Legislature, shall be available only for purposes of this chapter.

6795.5. The department shall receive and account for all funds received pursuant to this chapter and all fines and recovered costs of investigations. At the end of each month, the department shall report the amount received to the Controller and transfer that amount to the State Treasurer for deposit in the fund.

6795.7. The *board shall fix the* amount of the fees prescribed by this chapter ~~shall be fixed by the board~~ in accordance with the following schedule:

(a) Filing an application for licensure as a professional engineer, or for licensure as a geotechnical or structural engineer, not more than one hundred seventy-five dollars (\$175).

(b) Filing an application for certification as an engineer-in-training, not more than sixty dollars (\$60).

(c) Filing an application for temporary authorization as a professional engineer, not more than 25 percent of the fee fixed pursuant to subdivision (a).

(d) (1) Renewal of licensure in each discipline of engineering, or in geotechnical or structural engineering, not more than the fee fixed pursuant to subdivision (a).

(2) Renewal of an expired licensure, in addition to the renewal fee fixed pursuant to paragraph (1), a delinquency fee not to exceed 50 percent of the amount of the renewal fee.

1 6796. *The board shall fix the amount of the fee for*
2 *filing an application for a replacement license and*
3 *certificate of licensure, other than for a duplicate*
4 *certificate pursuant to Section 6757.2, at not more than*
5 *_____ dollars (\$_____).*

6 6797. *The board shall fix the amount of the fee for*
7 *filing an application pursuant to Section 6757.2 for a*
8 *duplicate certificate at not more than ten dollars (\$10).*

9 6798. With respect to appeals and reviews of the
10 results of examinations by applicants, the board shall do
11 all of the following:

12 (a) Impose a fee on applicants who appeal or review
13 the results of their examinations.

14 (b) Fix, by regulation, the fee at an amount to
15 generate sufficient revenues to cover its cost in
16 processing appeals and reviews.

17 (c) Return the fee to an applicant if the appeal results
18 in the applicant passing the examination.

19 6798.2. The board, by regulation, shall fix the fee for
20 any of its documents in an amount to generate sufficient
21 revenues to cover its cost of producing the document.

22 6798.5. The board, pursuant to Section 158, may
23 refund one-half of the application fee paid by an applicant
24 to take an examination if the applicant is found by the
25 board to be unqualified to take that examination.

26 SEC. 4. No reimbursement is required by this act
27 pursuant to Section 6 of Article XIII B of the California
28 Constitution for certain costs that may be incurred by a
29 local agency or school district because in that regard this
30 act creates a new crime or infraction, eliminates a crime
31 or infraction, or changes the penalty for a crime or
32 infraction, within the meaning of Section 17556 of the
33 Government Code, or changes the definition of a crime
34 within the meaning of Section 6 of Article XIII B of the
35 California Constitution.

36 However, notwithstanding Section 17610 of the
37 Government Code, if the Commission on State Mandates
38 determines that this act contains other costs mandated by
39 the state, reimbursement to local agencies and school
40 districts for those costs shall be made pursuant to Part 7

1 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the
3 claim for reimbursement does not exceed one million
4 dollars (\$1,000,000), reimbursement shall be made from
5 the State Mandates Claims Fund.

6 Notwithstanding Section 17580 of the Government
7 Code, unless otherwise specified, the provisions of this act
8 shall become operative on the same date that the act
9 takes effect pursuant to the California Constitution.

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